IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6771 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PRAGATI VIDHYALAYA (PRIMARY SECTION)

Versus

DISTRICT EDUCATION COMMITTEE

Appearance:

MS MAMTA R VYAS for Petitioner

MR VIJAY H PATEL for Respondent No. 1 and 2

MR MUKESH A PATEL for Respondent No. 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/05/2000

ORAL JUDGEMENT

Heard the learned counsel for the petitioner.

2. Grievance has been made by the petitioner that the action of the respondents not to pay grant to the

petitioner - school for salary of nonteaching staff is not only contrary to the Bombay Primary Education Act, 1947 and rules framed thereunder but contrary to the decisions of the Apex Court as well as of this court.

3. In this petition, the respondents have not cared to file reply to the same though rule was issued on 14th December, 1992. In fact this matter was admitted after notice to the respondents but their sole contribution is even not to care to file reply to the special civil application. This matter was ordered to be heard with special civil application NO. 2989 of 1990 which has been decided on 29th February, 1996 but none of the parties are in a position to say what ultimately has been decided in that matter by this court. From the decision on which reliance has been placed by the learned counsel for the petitioner prima-facie it is correct to contend by her that for the nonteaching staff, grant is payable to the school.

4. However, the interest of justice will be served in case this petition is disposed of in terms that in respect of the claim made by the petitioner in this special civil application, the petitioner is free to make a representation to the respondent No.3. It is expected of the petitioner to file along with the representation a copy of the judgment on which reliance has been placed. In case such a representation is made by the petitioner, the respondent No.3 is directed to decide the same within a period of three months from the date of receipt thereof. Where the claim of the petitioner is not acceptable, a reasoned order be passed and copy of the same may be sent to the petitioner by registered post A.D.. If the claim of the petitioner is acceptable then an order may be passed for payment of grant to the petitioner for nonteaching staff and that grant shall be payable to the petitioner only from the date of filing of this petition in this court i.e. from 7th October, 1988. Liberty is granted to the petitioner for revival of this special civil application in case of difficulty. The special civil application and Rule stand disposed of accordingly with no order as to costs.

****

zgs/-